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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/786,591

02/26/2004

Espen Hauge

43315-201295

4343

26694

7590

08/03/2007

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EXAMINER

POPOVICS, ROBERT J

ART UNIT

PAPER NUMBER

1724

MAIL DATE

DELIVERY MODE

08/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/786,591

Applicant(s)

HAUGE ET AL.

Examiner

Robert J. Popovics

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on May 16, 2007 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8 and 15 is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                             | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date | 6) <input type="checkbox"/> Other: _____  |

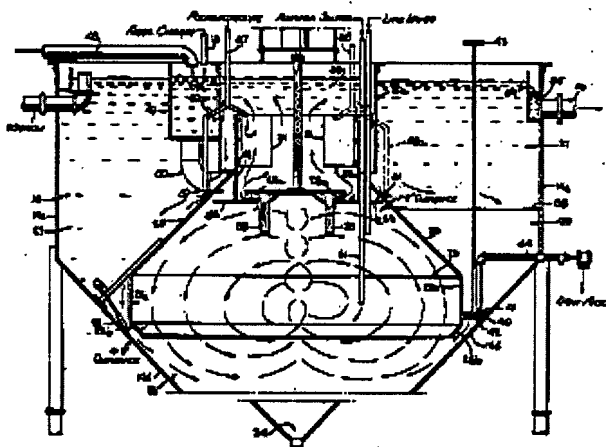
## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **May 16, 2007** has been entered.

### *Claim Rejections - 35 USC § 102*

Claims **9-12** are rejected under 35 U.S.C. 102(b) as being anticipated by **Keotellian (US 4,293,416)**. See jets 32 (Figs. 3 & 4; col. 9, lines 40-45). See the annotated copy of Figure 3 as set forth in the Final Office Action of November 16, 2006. **Keotellian (US 4,293,416)** is seen to meet the limitations specified in the claims.



Claims **13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Keotellian (US 4,293,416)**. It is submitted that flushing at different rates is obvious.

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***Response to Arguments***

Applicants' arguments filed **May 16, 2007** have been fully considered but they are not persuasive. Applicants have argued:

other things, Keoteklian does not disclose a method that includes directing flushing fluid with flushing means arranged outside of a hood arranged in the fluid containment space towards at least one inlet opening on a first side of the hood. Rather, Keoteklian appears to disclose water jets not arranged outside of the "hood" and directing fluid from outside the hood toward at least one opening in the hood. Additionally, Keoteklian does not disclose directing a part of the fluids that enter an inner space of the hood to flow from said inner space directly back to the fluid containment space exterior of the hood in an essentially horizontal direction or in a direction towards the bottom surface of the fluid containment space through at least one outlet opening provided on the first side of the hood on a level above the respective inlet opening. On the contrary, Keoteklian discloses directing fluids upwardly or substantially vertically from a primary mixing zone to a secondary mixing zone. Therefore, Keoteklian does not disclose the present invention as recited in claim 9 or claims 10-14, which depend from claim 9.

The Examiner disagrees with Applicant's assertions. The flushing means of Keoteklian is arranged outside of the hood. Moreover, Keoteklian is seen to direct flow towards the bottom surface of the fluid containment surface, as called for in claim 9. See the flow directional arrows of Keotellian.

Any inquiry concerning this communication should be directed to Robert J. Popovics at telephone number (571) 272-1164.

  
Robert James Popovics  
Primary Examiner  
Art Unit 1724

